

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 857 - HB 1397

March 24, 2021

SUMMARY OF BILL: Authorizes local governments to prohibit the placement of small wireless facilities (SWF) within 1,500 feet of a school or private residence, or within a right-of-way (ROW) that is within an area with existing internet coverage. Increases the amount of time local governments have to approve applications and the extension period granted to local governments for approval of such applications upon notification to applicants. Requires owners of SWFs to annually inspect such facilities and report the results of the inspection to the applicable local government.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed language would extend the authority of local governments in restricting placement of SWF.
- Pursuant to Tenn. Code Ann. § 13-24-407:
 - As of January 1, 2020, local governments are authorized to charge a maximum application fee of \$101 for the first five SWFs, and \$51 for each additional SWF on a single application; and
 - Local governments are authorized to charge a maximum annual fee of \$100 for each SWF which is located on a potential support structure owned by the local government.
- According to the *Small Cell Wireless Facilities and Public Rights-of-Way: Assessing the Effects of Public Chapter 819, Acts of 2018* report issued by the Tennessee Advisory Commission on Intergovernmental Relations, wireless providers have stated that, initially, SWF will be deployed in more populated areas, not in areas which are unserved by broadband currently.
- Based upon this report, it is reasonably assumed that SWFs are currently being deployed in ROWs within areas with existing internet coverage and in areas which are more densely populated with private residences.
- It is reasonably assumed that individual local governments will prohibit the deployment of some SWFs within ROWs and private residences; however, such SWFs will be deployed elsewhere throughout local government statewide, in nonprohibited locations.

- Any fiscal impact to local government statewide for extending regulation authority and increasing the length of time within which applications may be processed is estimated to be not significant.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- SWF owners will opt to deploy SWFs in locations which are not prohibited by local governments without reducing the overall number of SWFs deployed statewide.
- Requiring SWF owners to annually inspect SWFs is not estimated to result in any significant impact to jobs or commerce in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jh